

## ORDER APPROVING AMENDED LOCAL RULE

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas A. Hakes, Huntington Circuit Court, 201 North Jefferson Street, #301, Huntington, IN 46750-2800; the Hon. Jeffrey R. Heffelfinger, Huntington Superior Court, 201 North Jefferson Street, #302, Huntington, IN 46750-2867, and to the Clerk of the Huntington Circuit Court.

The Clerk of the Huntington Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 31<sup>st</sup> day of January, 2007.

FOR THE COURT

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

**LR 35-00-43**

**PROCEDURE NOT OTHERWISE SPECIFIED**

1. If no procedure is specifically prescribed by these rules, the Court may proceed in any lawful manner not inconsistent with these rules or with any applicable constitutional provision, statute, rule of the Supreme Court of Indiana, or local civil rules of the Huntington Circuit and Superior Courts.

**LR 35-AD1-50**

**HUNTINGTON COUNTY PLAN FOR ALLOCATION OF JUDICIAL  
RESOURCES**

After full review of the weighted caseloads of the courts of Huntington County, we the undersigned judges of Huntington County, hereby adopt Local Rule 35-AD1-50 entitled Huntington County Plan for Allocation of Judicial Resources.

On a permanent basis, all criminal cases where Battery on a Child, a class D felony is the most serious charge shall be assigned to the Huntington Circuit Court.

The judges of the Huntington Circuit Court and Huntington Superior Court shall meet on or before December 1<sup>st</sup> of each year and determine an appropriate ration of DR cases for assignment to each court so as to comply with the caseload allocation required by the Administrative Rule 1.

**RULES OF COURT  
FOR THE CIRCUIT AND SUPERIOR COURT  
OF THE 56<sup>TH</sup> JUDICIAL CIRCUIT  
HUNTINGTON COUNTY, INDIANA**

**ORDER ADOPTING RULES OF PRACTICE  
AND PROCEDURE IN THE CIRCUIT AND SUPERIOR COURT  
OF THE 56<sup>TH</sup> JUDICIAL CIRCUIT**

These rules are adopted pursuant to the authority of Indiana Rules of Trial procedure, T.R. 81, and are intended to supplement those rules as well as the Indiana Rules of Criminal Procedure. They shall govern the practice and procedure in all cases in the Huntington Circuit and Superior Courts, and shall be construed to secure the just, speedy and efficient determination of every action.

It is Ordered that all existing local rules of Court for the Circuit and Superior Courts of the Fifty-Sixth (56<sup>th</sup>) Judicial Circuit, Huntington County, Indiana, relating to rules of general, civil, probate, domestic relations, and criminal practice and procedure, shall be and hereby are revoked as of January 1, 2007.

Pursuant to TR 81(D) the court finds that just cause exists to deviate from the schedule established by the Indiana State Court Administration. It is therefore Ordered that the following general local rules relating to practice and procedure in the Circuit or Superior Court of the Fifty-Sixth (65<sup>th</sup>) Judicial Circuit, Huntington, Indiana, be and the same are hereby adopted, effective on January 1, 2007.

Dated this 13<sup>th</sup> day of November, 2006

(s/)  
HON. JEFFREY R. HEFFELFINGER  
HUNTINGTON SUPERIOR COURT

(s/)  
HON. THOMAS M. HAKES  
PERMANENT JUDGE PRO TEM  
HUNTINGTON CIRCUIT COURT

(This document intended for Supreme Court internal use only)

## Huntington County Caseload Allocation Plan

### RECOMMENDATION:

It is my recommendation that the Huntington County caseload plan be approved as currently submitted. Based upon preliminary calculations, the proposed caseload allocation plan meets the requirements set forth in Administrative Rule 1. The estimated weighted caseload utilization variance between Huntington Circuit and Superior Court is approximately thirty-five percentage points, (.35) which is well below the maximum allowable variance of forty percentage points (.40) (see Table 1).

<b>Table 1</b> Estimated Weighted Caseload for Huntington County trial courts under proposed plan (based upon cases filed in 2005)							
	Circuit	Sup Ct					totals
Total Actual Minutes:	98,433	133,908					232,341
Projected Need (year)	1.22	1.66					2.88
Actual Have:	1.25	1.25					2.50
Projected Utilization:	.9765	1.3285					1.1512

### PROCESS:

Weighted caseloads for each targeted court were estimated based upon the proposed allocation of targeted cases using the number of new cases filed in Huntington County in 2005.

For a detailed breakdown of the calculations for each case type please see Appendix A.

Michael J. Murphy, Esq  
1/25/07

Appendix A  
Huntington County 2006 WCL Plan

	Actual 2005 New Filings			Assignment of cases based upon plan			Comments	Application of plan guidelines and assumptions to 2005 statistics				
	Circ. 1	Sup. 1	Total	Circ. 1	Sup. 1	Total		Circ. 1	Sup. 1	Sup. 2	Sup. 3	Total**
MR	1	0	1	100.00%				1	0			1
CF	0	0	0					0	0			0
FA	11	0	11	100.00%				11	0			11
FB	23	6	29	80.00%	20.00%			23	6			29
FC	50	13	63	79.00%	21.00%			50	13			63
FD	1	286	287	100.00%				0	287			287
PC	4	6	10	40.00%	60.00%			4	6			10
CM	0	776	776		100.00%			0	776			776
MC	0	471	471		100.00%			0	471			471
IF	0	2,502	2,502		100.00%			0	2,502			2,502
OV/OE	0	0	0					0	0			0
JC	33	1	34	100.00%				34	0			34
JD	119	0	119	100.00%				119	0			119
JS	27	1	28	100.00%				28	0			28
JP	102	0	102	100.00%				102	0			102
JM	7	0	7	100.00%				7	0			7
JT	3	0	3	100.00%				3	0			3
CP	0	0	0			NA		0	0			0
PL	26	13	39	65.00%	35.00%			25	14			39
MF	169	25	194	87.00%	13.00%			169	25			194
CC	224	96	320	70.00%	30.00%			224	96			320
CT	16	18	34	50.00%	50.00%			17	17			34
SC	0	2,036	2,036		100.00%			0	2,036			2,036
DR	77	130	207	50.00%	50.00%			104	104			207
RS	10	0	10	100.00%				10	0			10
MH	3	79	82		100.00%			0	82			82
AD	18	0	18	100.00%				18	0			18
AH	0	0	0			NA		0	0			0
ES/EU	149	0	149	100.00%				149	0			149
GU	42	0	42	100.00%				42	0			42
TR	3	0	3	100.00%				3	0			3
PO	6	134	140	4.00%	96.00%			6	134			140
MI	35	39	74	50.00%	50.00%			37	37			74
CB			0			NA		0	0			0
TOTAL	1,159	6,632	7,791					1,185	6,606			7,791

\*\* Totals may appear off because columns being added have been rounded to nearest whole number.